

TION
R 4E
Sec 23
SWNE

P/H

P/B

23

NO GOR
US IN
SWNE

65-13692

MICROFILMED

MAY 18 1998

○ ۱۲۸

GARDEN VALLEY ESTATES NO.1
OF
SECTION 23, T.10N. R.4E, B.M.

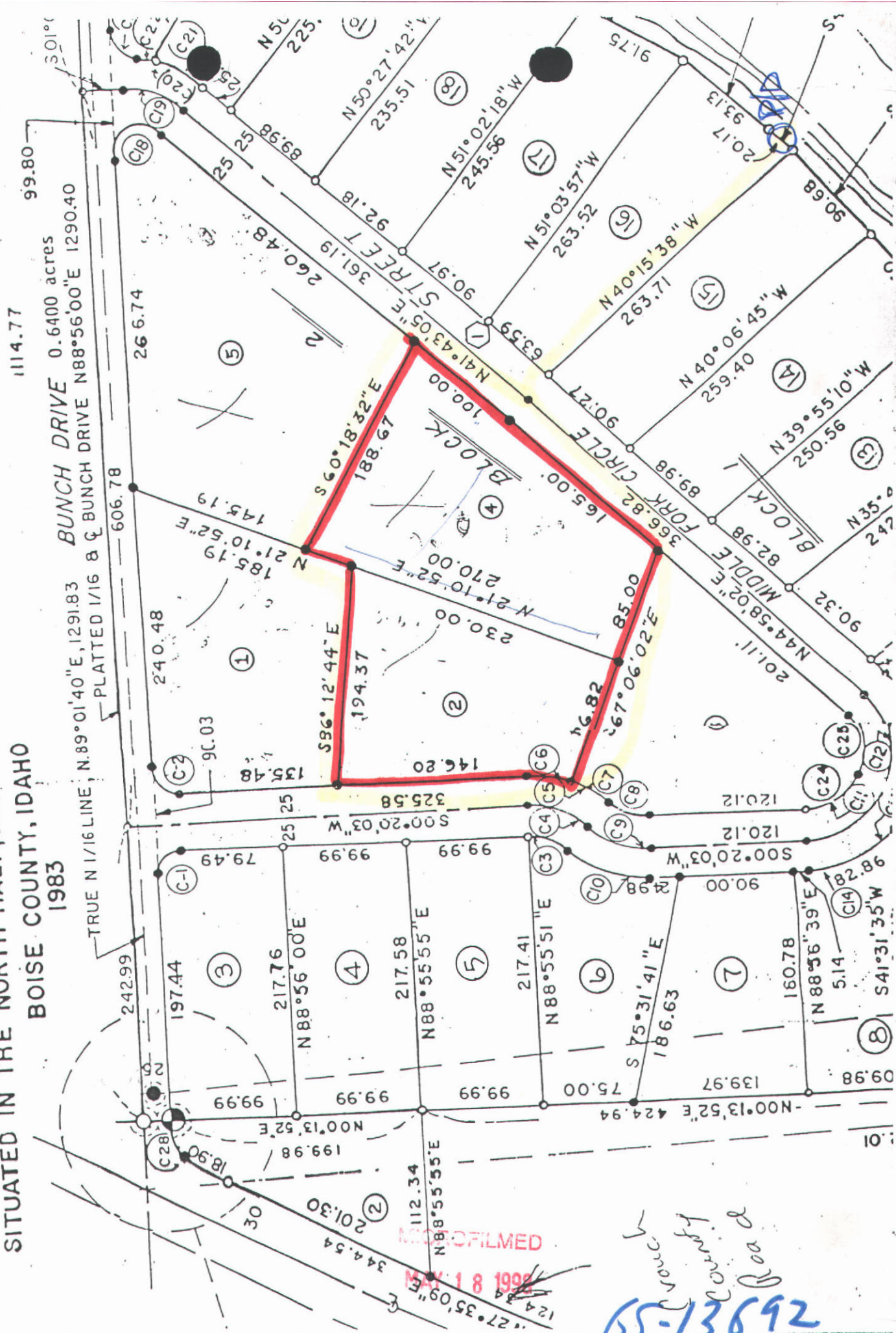
SITUATED IN THE NORTH HALF, SECTION

BOISE COUN

1114.77

0.6400 acres

BUNCH DRIVE 0.6400 acres

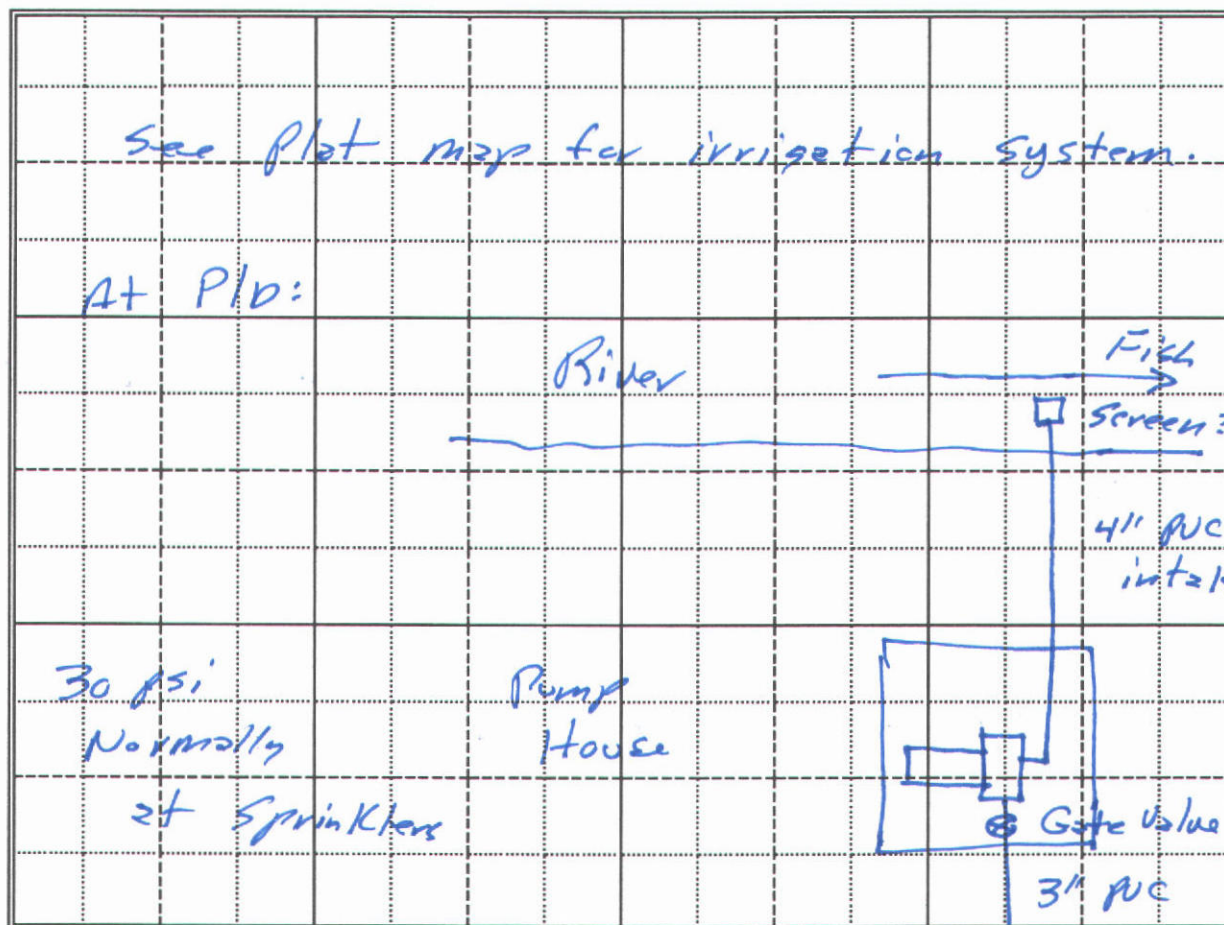


NO. 81
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MAY 18 1992

65-13692

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = None

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	model Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
River	Marathon	5	3VF184T	Berkeley	model B1WP
Pump			CDR7909		SN# M3640
			ATL		

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

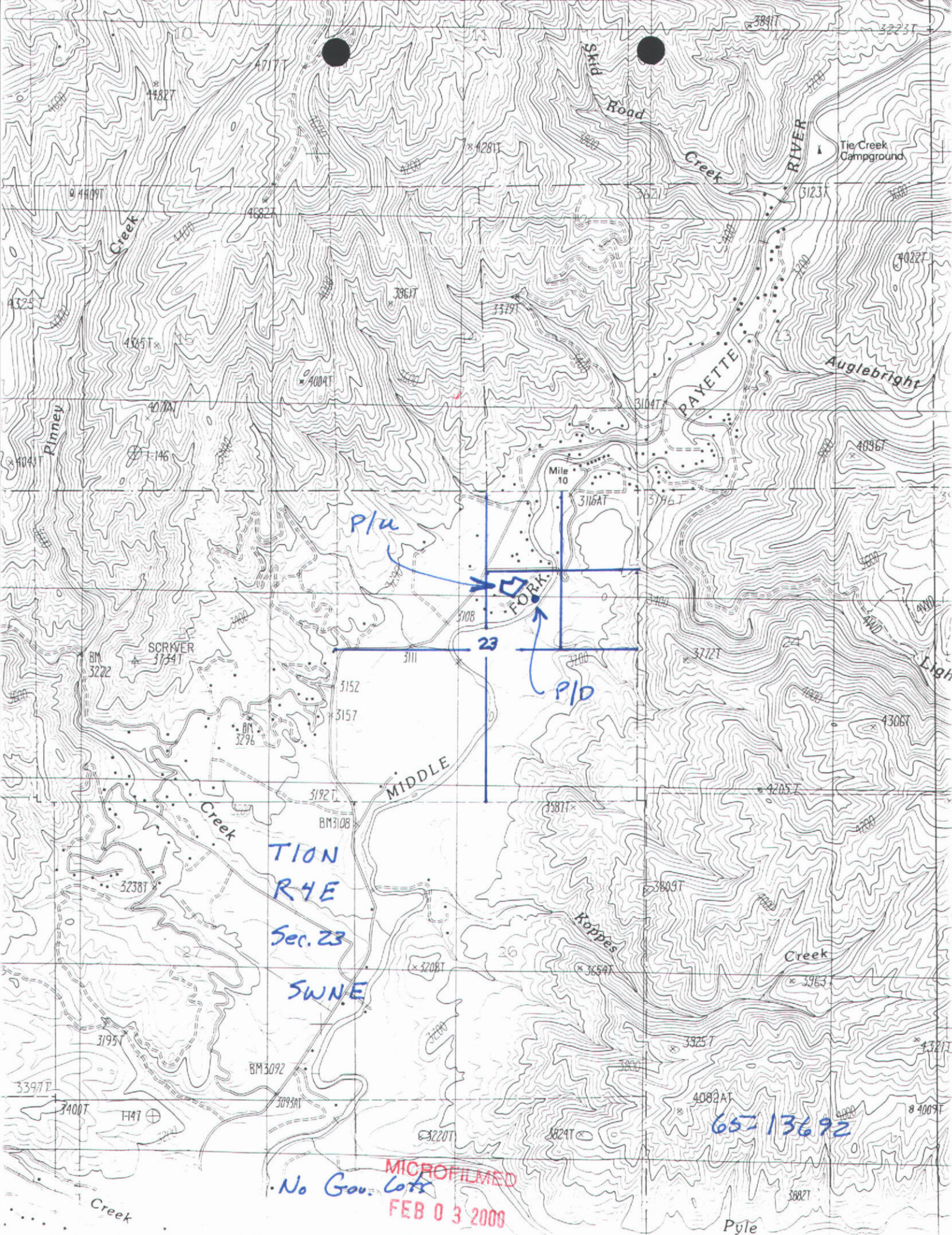
1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 Gal. Bucket						

2. Measurements: $Q = 5 \text{ Gal.} / 20 \text{ Sec.} = 15 \text{ Gpm} = 0.03 \text{ cfs}$

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Lot 2

P/O

Pump
House
at

River
in
Lot 16
BLK 1



P/O

Pump
unit

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65-13692



$\geq$ of $\geq$

Place of
Measurement
at
Prime
Value
on

Lot 16
BLK 1

P/u in
background;
Lots 4 + 2
BLK 2



P/u
Lots 4 + 2
BLK 2

Barn is
on
SW Cor.
Lot 2

View looking
west

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65-13692

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 65-13692

Priority: September 13, 1996 Maximum Diversion Rate: 0.03 CFS
Maximum Diversion Volume: 5.3 AF

This is to certify, that HELEN MC DONALD
WAYNE MC DONALD

14 SCOTT MOUNTAIN RD
GARDEN VALLEY ID 83622 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated August 6, 1996; and
has submitted Proof of Beneficial Use on June 8, 1999. An examination indicates
that the works have a diversion capacity of 0.030 cfs of water from:

PAYETTE RIVER, MIDDLE FORK tributary to PAYETTE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 10/31	0.03 CFS	5.3 AF

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 23, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	23	SWNE	1.5		1.5

Total number of acres irrigated: 1.5

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
2. A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
4. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
5. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

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SEP 03 2006

State of Idaho
Department of Water Resources

Water Right License

WATER RIGHT NO. 65-13692

CONDITIONS OF APPROVAL AND REMARKS

6. Water shall not be diverted under this right when flows in the Payette River are below established minimum stream flows.
7. Point of diversion is located within Lot 16, Blk. 1, Garden Valley Estates No. 1.
8. Place of use is located within Lots 2 & 4, Blk. 2, Garden Valley Estates No. 1.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Signed and sealed this 26th day of JANUARY, 2000.


Acting for KARL J. DREHER, Director

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FEB 0 4 2000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO)
65-13692 IN THE NAME OF)
WAYNE & HELEN MC DONALD)
_____)

**ORDER OF
REINSTATEMENT**

WHEREAS, the Department issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use (A proof of beneficial use) be submitted to the Department on or before May 1, 1999; and,

WHEREAS, the Department notified the permit holder on February 28, 1999, by certified mail that proof of beneficial use was due and instructed the permit holder of the steps to be taken to submit the proof of beneficial use; and,

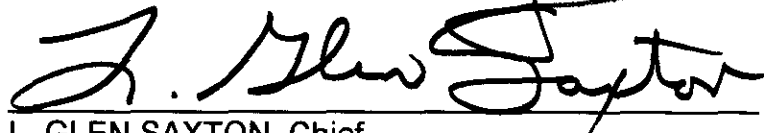
WHEREAS, on May 1, 1999, the permit lapsed, since the permit holder had not submitted an acceptable proof of beneficial use or request for extension of time to the Department, and,

WHEREAS, Section 42-218a, Idaho Code, provides that the Department may reinstate a permit upon a showing of reasonable cause by the permit holder within sixty days of the date of the notice of lapsing, and,

WHEREAS, the permit holder has provided a reasonable showing why the permit should be reinstated by submitting an acceptable proof of beneficial use on June 8, 1999,

IT IS, THEREFORE, HEREBY ORDERED that Permit No 65-13692 is **REINSTATED** with an advance in priority to September 13, 1996.

DATED this 17th day of January, 2000.



L. GLEN SAXTON, Chief
Water Allocation Bureau

MICROFILMED

FEB 03 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 10 1999

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 65-13692 Telephone No. 462 3978
 2. Name(s) of Permit Holder(s): WAYNE E McDonald Helen L. McDonald
 3. Mailing Address: 14 Scott Mt Road Garden Valley
 4. Source of Water: Middle Fork Payette River If GROUNDWATER (well), Date Drilled. mo. ____ / yr ____
 - a. Well Driller: _____ Drilling Permit Number. ____ - ____ - ____
 - b. **OPTIONAL:**
Pump Horsepower: 5 hp Pressure (psi): _____ Dynamic pumping level (ft): 3 Ft.
 5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): _____ Stockwater (No and type of stock): _____
Irrigation (No. of acres): 1.69 acre Other: _____
 6. Total rate of diversion and/or volume for which proof is submitted: .03 cfs OR _____ acre feet
 7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is **not optional**. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes <u>X</u>	or	No _____
	Has the measuring device been installed?	Yes _____	or	No <u>X</u>
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No _____
	Has the measurement port been installed?	Yes _____	or	No _____
 8. Fee Enclosed: \$ _____ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
 9. Person to contact to accompany the Department representative during field examination of the water system.
Name: WAYNE McDonald Telephone Number: 462 3978 888 1220
Address: 14 Scott Mt Road Garden Valley 231 E. 5th Meridian
836221 83692
 10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho
- Signature of permit holder: Wayne E McDonald Danley **MICROFILMED** Date June 7/99
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13692

Proposed Priority: August 6, 1996

Maximum Diversion Rate:

0.03 CFS

This is to certify, that HELEN MC DONALD

WAYNE MC DONALD

14 SCOTT MOUNTAIN RD

GARDEN VALLEY ID 83622

has applied for a permit to appropriate water from:

PAYETTE RIVER, MIDDLE FORK

tributary of PAYETTE RIVER

and a permit is APPROVED for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/15 to 10/15

0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 23, Township 10N, Range 04E
BOISE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
10N	04E	23	SWNE	1.6		1.6

Total number of acres irrigated:

1.6

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1999.
2. Subject to all prior water rights.
3. Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
4. Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

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MAY 18 1998

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 65-13692

CONDITIONS OF APPROVAL AND REMARKS

9. Water shall not be diverted under this right when flows in the Payette River are below established minimum stream flows.
10. When water is not available to fill this right, the right holder shall cease diversion or shall rent water from the Payette River Rental Pool.
11. Point of diversion is located within Lot 16, Blk. 1, Garden Valley Estates No. 1.
12. Place of use is located within Lots 2 & 4, Blk. 2, Garden Valley Estates No. 1.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

13 th day of May, 1998.

J. Glen Saxton
for Karl J. Dreher, Director

MICROFILMED
MAY 18 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

- original of case entry was incorrect per county handbook - SK*
1. Name of Applicant WAYNE + Helen McDonald Phone 462 3978
Mailing address 14 Scott Mt. Rd. Garden Valley ID 83622 **
 2. Source of water supply Middle Fork, Payette River which is a tributary of Payette River
 3. Location of point of diversion is Township 10 N Range 4 E Sec. 23, in the SW 1/4, NE 1/4, NE 1/4, Govt. Lot Boise, B.M., Boise County;
additional points of diversion if any: _____
 4. Water will be used for the following purposes:

* Amount <u>.03</u> for <u>irrigation</u>	purposes from <u>4/15</u> to <u>10/15</u>	(both dates inclusive)
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
Amount _____ for _____	purposes from _____ to _____	(both dates inclusive)
 5. Total quantity to be appropriated is (a) .03 cubic feet per second and/or (b) _____ acre feet per annum
 6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source 5 hp pump
Berkley, 3" buried line
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet, total reservoir capacity _____ acre-feet
 - c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
 - d. Is ground water with a temperature of greater than 85°F being sought? _____
 - e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
 7. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year)
 8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower; show total feet of head and proposed capacity in KW. _____
 - b. Stockwatering; list number and kind of livestock. _____
 - c. Municipal; show name of municipality. _____
 - d. Domestic; show number of households. _____
 - e. Other; describe fully. _____

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MAY 18 1998

* Res. ID 1111, 1/12/96
** per 2/10/98 Response Form 1 d'entry updated 2/23/98 - SK

9. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	23			1.6														1.6

Total number of acres to be irrigated 1.6

10. Describe any other water rights used for the same purposes as described above. _____

11. a. Who owns the property at the point of diversion? Leo Wees
- b. Who owns the land to be irrigated or place of use? Wayne & Helen McDonald (applicant)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: Right of way Granted By Leo Wees (P/D)

12. Remarks: Place of use is Lots 2 and 4 of Block 2, Garden Valley Estates No. 1 } Comments

Applicant agrees to mitigate consumptive use in the future as needed. *

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

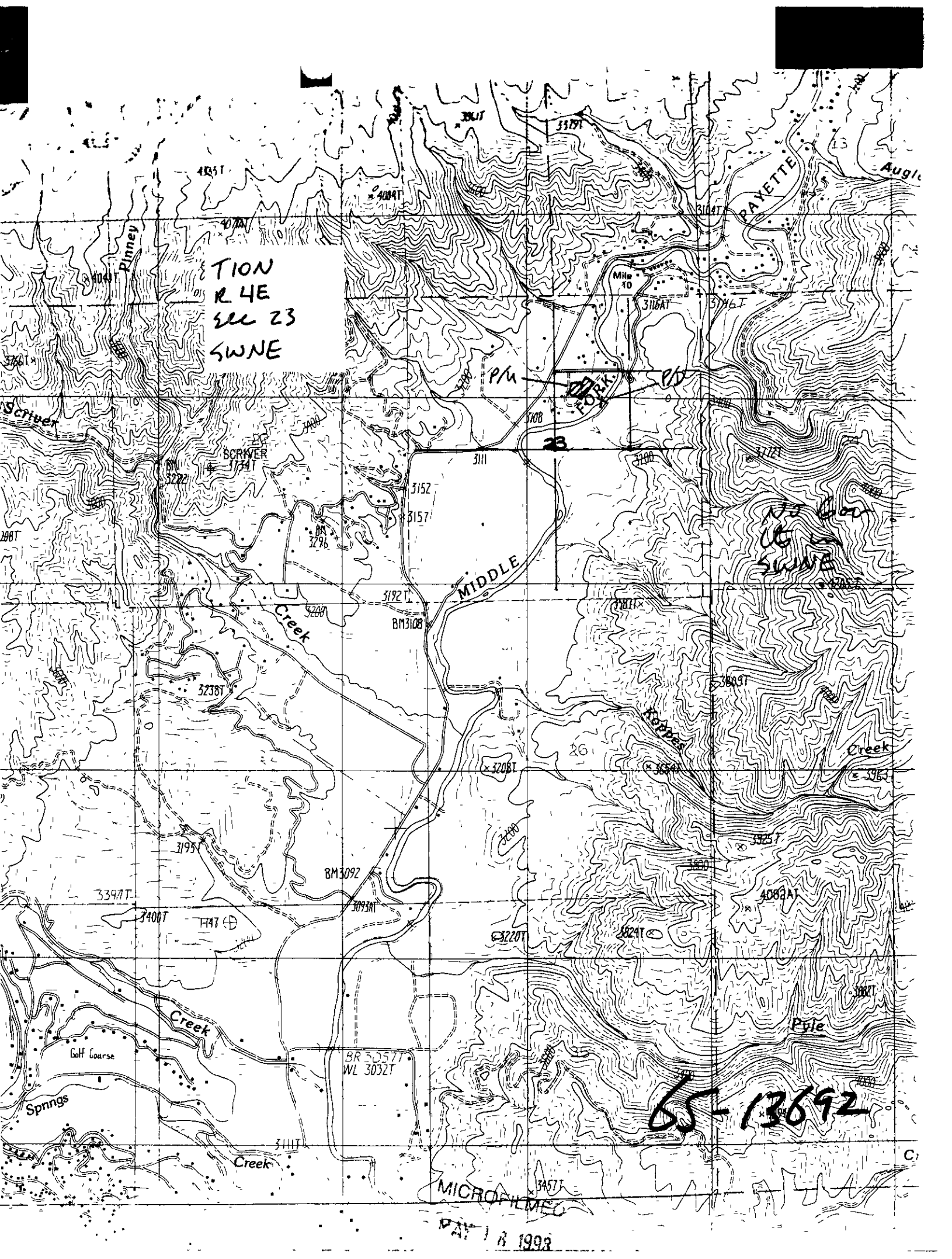
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

* per dept. standards
2/11/98 response to mm.
D's case updated 2/25/98.
-fl

Wayne E McDonald Owner
Signature of Applicant (and title, if applicable)

Received by iw Date 8/6/96 Time 9:00A Preliminary check by Ly - fl 2/27/98
 Fee \$ 50 Received by W021306 # AW Date 8-6-96
 Publication prepared by ST Date 2/25/98 Published in ed. World 3/4 11/98
 Publication approved ST Date 3/27/98

MICROFILMED
MAY 18 1998



TION
R 4E
sec 23
SWNE

175 600
165 600
155 600
145 600
135 600
125 600
115 600
105 600
95 600
85 600
75 600
65 600
55 600
45 600
35 600
25 600
15 600
5 600

65-13692

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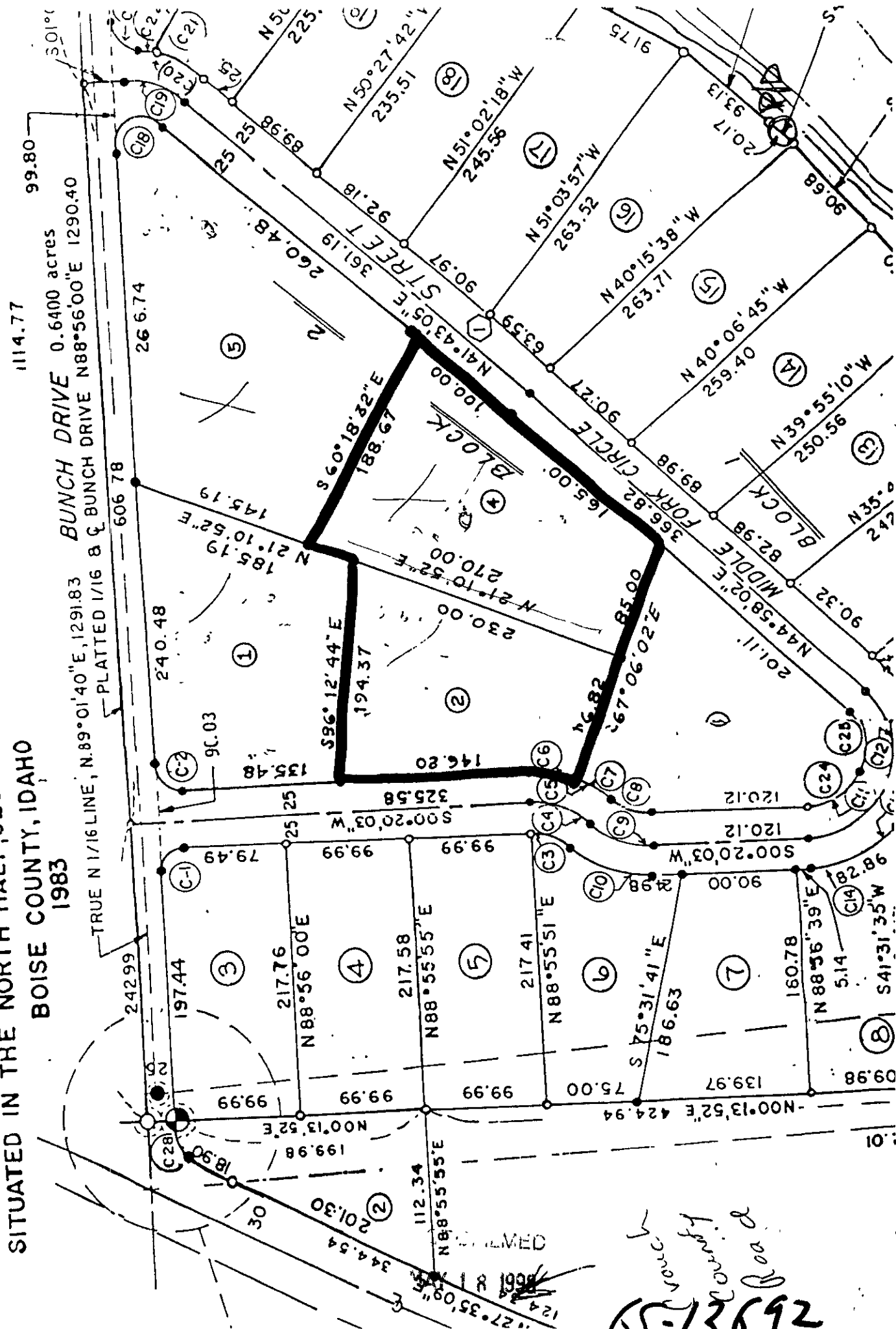
APR 1 1993

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BOISE COUNTY, IDAHO

BUNCH DRIVE 0.6400 acres

1983



7. MED

65-13692



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

January 27, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HELEN MC DONALD
WAYNE MC DONALD
14 SCOTT MOUNTAIN RD
GARDEN VALLEY ID 83622

RE: WATER RIGHT 65-13692

Dear Water Right Holder(s):

The Department of Water Resources (the Department) acknowledges receipt of the proof of beneficial use ("proof") form submitted for the above referenced lapsed permit.

Enclosed is an order reinstating the permit, since proof was submitted after the proof due date. Please note that the priority date has been advanced to **September 13, 1996**, pursuant to Section 42-218a.2, Idaho Code

The Department has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form

If you have any questions, please call me at 208-327-7946

Sincerely,

Shelley Walter Keen
Water Rights Supervisor

SWK:klt

Enclosure

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2000

CERTIFICATE OF MAILING

I hereby certify that on the **27th** day of **January, 2000**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDER (Approved License)** to the person(s) listed below:

Water Right No. 65-13692

HELEN MC DONALD
WAYNE MC DONALD
14 SCOTT MOUNTAIN RD
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

MICROFILMED
FEB 03 2000

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. **A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

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SEP 03 2000

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

LICENSE REVIEW CHECKLIST

Permit No 65-13692 Date 1-13-2000 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P43)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s) NONE

File reviewed Profile reports printed

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion.

Permitted rate 0.03 cfs

Fee Limit 0.03 cfs

Measured 0.03 cfs

Theoretical 0.03 cfs

Recommended Total Diversion Rate 0.03

Water Uses OK

Change (P46)

Irrigation 0.03 cfs 5.3 af
Stockwater 0.03 cfs 5.3 af
Domestic 0.03 cfs 5.3 af
Total 0.03 cfs 5.3 af

Irrigation - overlap (R58-R61, R62-R65, R66-R69)

supp. Gw (WB7/065/079)

overlap spec combined rts (W35)

>1 acre (W31)

Domestic (W01/wb5/070/071/075)

Power (W42 or W43/025/027/R22 or R23)

Fish (042)

Fire (077)

Water Quality (081/R07)

Payette - (W22/041/27A)

Volume Determination

0.03 cfs x 1.9835 x 231 days = 13.7 af (vs) 1.5 acres x 3.5 (FHR) = 5.3 af

Remarks W59, W60

R04, R02, R63

Additional Conditions YES Watermaster Control

YES GW Measurement/Measuring Device

Other

Trust (052/R55 - remove 051)

Non-trust (048/049)

Government Lots? NO

Advance Priority? YES
no

If yes, explain why below

proof date

SRBA Claim? N/A

Adjust memo NO

Amend Letters

P87, S06

Second Amendment Notice

S06

change
irrig season
per new
map to
3/15 - 10/31

WR0749NP
No. 65-13692 ✓

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/13/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HELEN MC DONALD	08/06/1996 ✓	IRRIGATION ✓	04/15 10/15	0.030 CFS ✓	
C	WAYNE MC DONALD	9/13		3/15 10/31		
	14 SCOTT MOUNTAIN RD			TOTAL DIVERSION:	0.030 CFS ✓	
	GARDEN VALLEY ID 83622					
	(208) 462-3978 ✓					

Water Source: PAYETTE RIVER, MIDDLE FORK ✓ Tributary to: PAYETTE RIVER ✓ Stage: PERMIT

Point(s) of Diversion: T10N R04E S23 ✓ SWNE ✓ BOISE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	SUM
10N	04E	23	✓				1.5									1.5
TOTAL ACRES															1.5	

Pou County: BOISE

Other Water Rights with Same Point(s) of Diversion with Stage Includes All Sources:

65-05973	65-07280	65-07372	65-07913	65-10991	65-10624	65-10790	65-11070	65-12590	65-12786
65-13339									

Other Water Rights Listing Overlapping Place(s) of use:

65-07372	65-07913	65-10790	65-11213	65-12590	65-12786	65-13339	65-13524
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Conditions of Approval:

- 004 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65.
- 002 - Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
- 003 - This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- 020 - The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary for this purpose will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
- 004 - The issuance of this right does not grant any right-of-way or easement across the land of another.
- 029 - The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.

WR0749NP
No. 65-13692

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 01/13/00
PAGE: 2

Remarks: GEN Water shall not be diverted under this right when flows in the
Payette River are below established minimum stream flows.
When water is not available to fill this right, the right holder
shall cease diversion or shall rent water from the Payette River
Rental Pool.
Point of diversion is located within Lot 16, Blk. 1, Garden
Valley Estates No. 1.
Place of use is located within Lots 2 & 4, Blk. 2, Garden Valley
Estates No. 1.

Dates: App. Received: 08/06/1996 ✓ Priority Date: ~~08/06/1996~~
Proof Due Date: 05/01/1999 ✓ Proof Made Date: 6-10-99 (late)
Exam Made Date: 06/14/1999 ✓ Exam Sent to S.O.: 11/24/1999
Licensed Date:

Misc: Water District Number: 65 Field Exam Fee:

Audit: 09/12/96 LGRAVES 01/17/97 SCURTIS 05/11/98 CZIMMERM 05/13/98 CZIMMERM
06/25/99 KGALE 11/24/99 KGALE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

NOV 26 1999

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 65-13692

1. Owner: Helen & Wayne McDonald Phone No. (208) 462-3928

Current Address: 14 Scott Mountain Rd., Garden Valley, ID 83622

2. Accompanied by: Wayne McDonald EXAM DATE: 6-14-99

Address: (Same) Phone No. (208) 888-1220
office in Meridian

Relationship to Permit Holder: Same

3. Source: Payette River, middle tributary to Payette River
Fork

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			SW	NE	23	10N	4E	Boise	Site Visit, Map

2. Place(s) of Use:

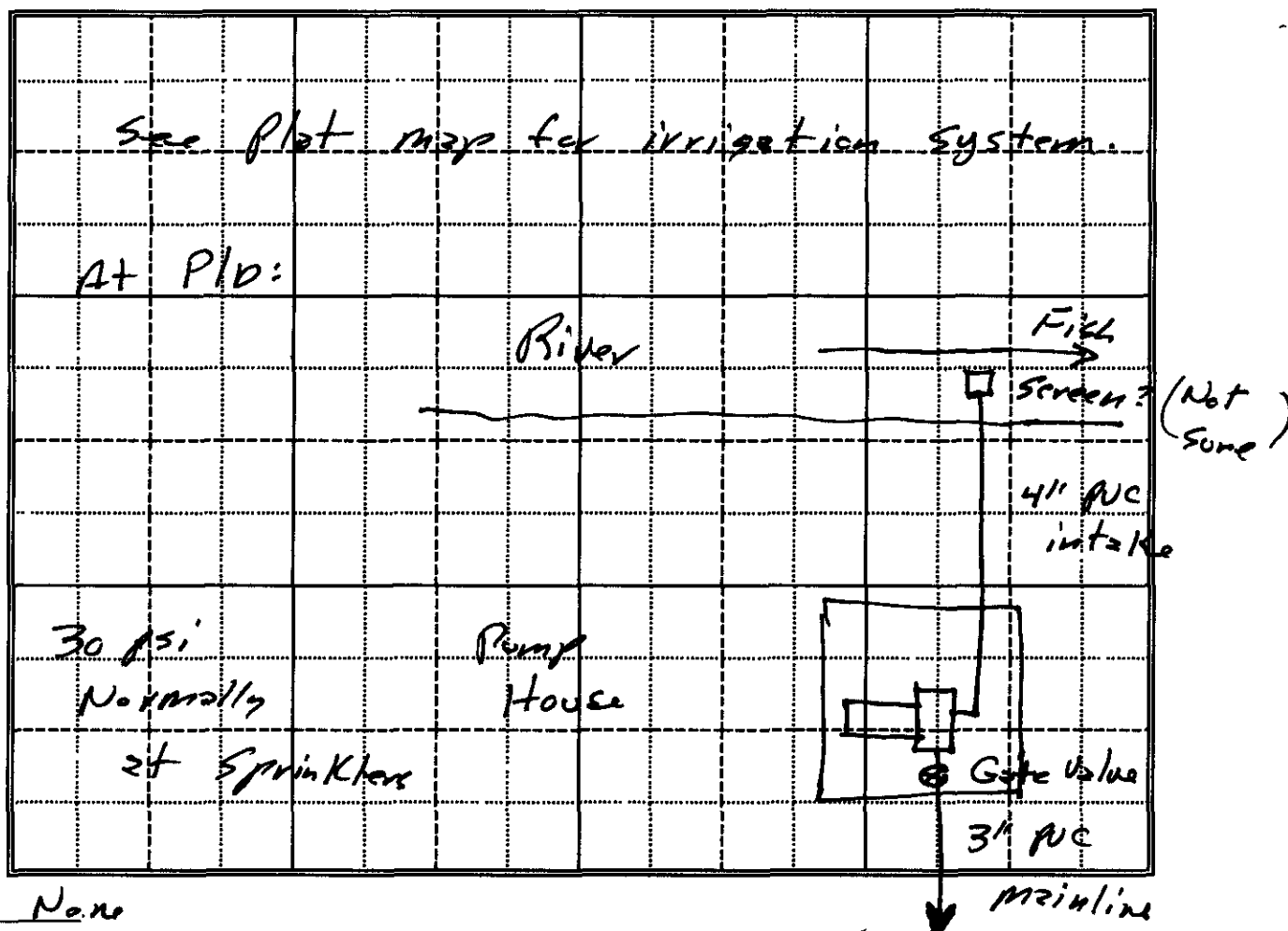
Indicate Method of Determination Site Visit, Map

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N	4E	23			1.5														1.5 AC

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FEB 03 2000

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = No. no

☒ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

☐ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Model Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
River	Marathon	5	3VF184T	Berkeley	Model B1WP
Pump			CDR7909		SN# M3640
			ATL		

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
5 Gal. Bucket						

2. Measurements: $Q = 5 \text{ Gal.} / 20 \text{ Sec.} = 15 \text{ Gpm} = 0.03 \text{ cfs}$

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E. NARRATIVE/REMARKS/COMMENTS

1. This Permit is for irrigation of Lots 2 & 4, Block 2, Garden Valley Estates No. 1 from the Middle Fork Payette River. A Barn and small driveway is located at the SW corner of Lot 2, but there is no home on the lots. The lots are used for pasture.
2. The P/D is located on the west bank of the river in Lot 16, Block 1. This lot is also owned by the McDonalds.
3. A 5 HP pump unit located in a wooden pump house supplies water through a 3" PVC buried mainline across Lot 16 to Lots 2 & 4. The mainline tee's into a cross line which has 7 lateral turnouts. 2" buried sprinkler laterals with either 2, 3, 4, 5 or 6 sprinkler heads. on each lateral serve the 2 lots.
4. The Power Panel Box in the pump house can be locked up - Cond. 4.
5. There was no evidence of a fish screen at the 4" PVC intake line in the river; Condition 8.

Have conditions of permit approval been met? ☐ yes ☒ no No fish screens, Cond. 8.

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O 3 2000

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method: 5 Gal. Bucket

$$Q = \frac{5 \text{ Gal.}}{20 \text{ Sec.}} \cdot \frac{60 \text{ Sec.}}{\text{min.}} = 15 \text{ Gpm} = 0.03 \text{ cfs}$$

$$\text{Div. Rate} = (0.03 \frac{\text{cfs}}{\text{Ac.}})(1.5 \text{ Ac.}) = 0.03 \text{ cfs}$$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (1.5 \text{ Ac.}) \left(3.5 \frac{\text{AFI}}{\text{Ac.}} \right) = 5.25 = 5.3$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.03)(184)(1.9835) = 10.95$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D.R.} = 5.3 \text{ AFA}$$

2. Volume Calculations for Other Uses:

AC.

Note: Permit has 1.6 Ac. - To be out Barn/Driveway AC

$$\text{Lot 2: AC.} = \left[\left(\frac{1}{2} \right) (86.82' + 194.32') \right] \left[\left(\frac{1}{2} \right) (146.20' + 232.0') \right] \frac{\text{AC.}}{(66)(66)(10) \text{ ft}^2} = 0.61 \text{ AC.}$$

$$\text{Lot 4: AC.} = \left[\left(\frac{1}{2} \right) (265' + 220') \right] \left[\left(\frac{1}{2} \right) (85' + 188.67') \right] \frac{\text{AC.}}{(66)(66)(10) \text{ ft}^2} = 0.84 \text{ AC.}$$

H. RECOMMENDATIONS

$$\text{Total} = 1.45 \text{ AC.} = 1.5 \text{ AC.}$$

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	04/15	10/15	0.03	5.3
Totals:			0.03	5.3

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

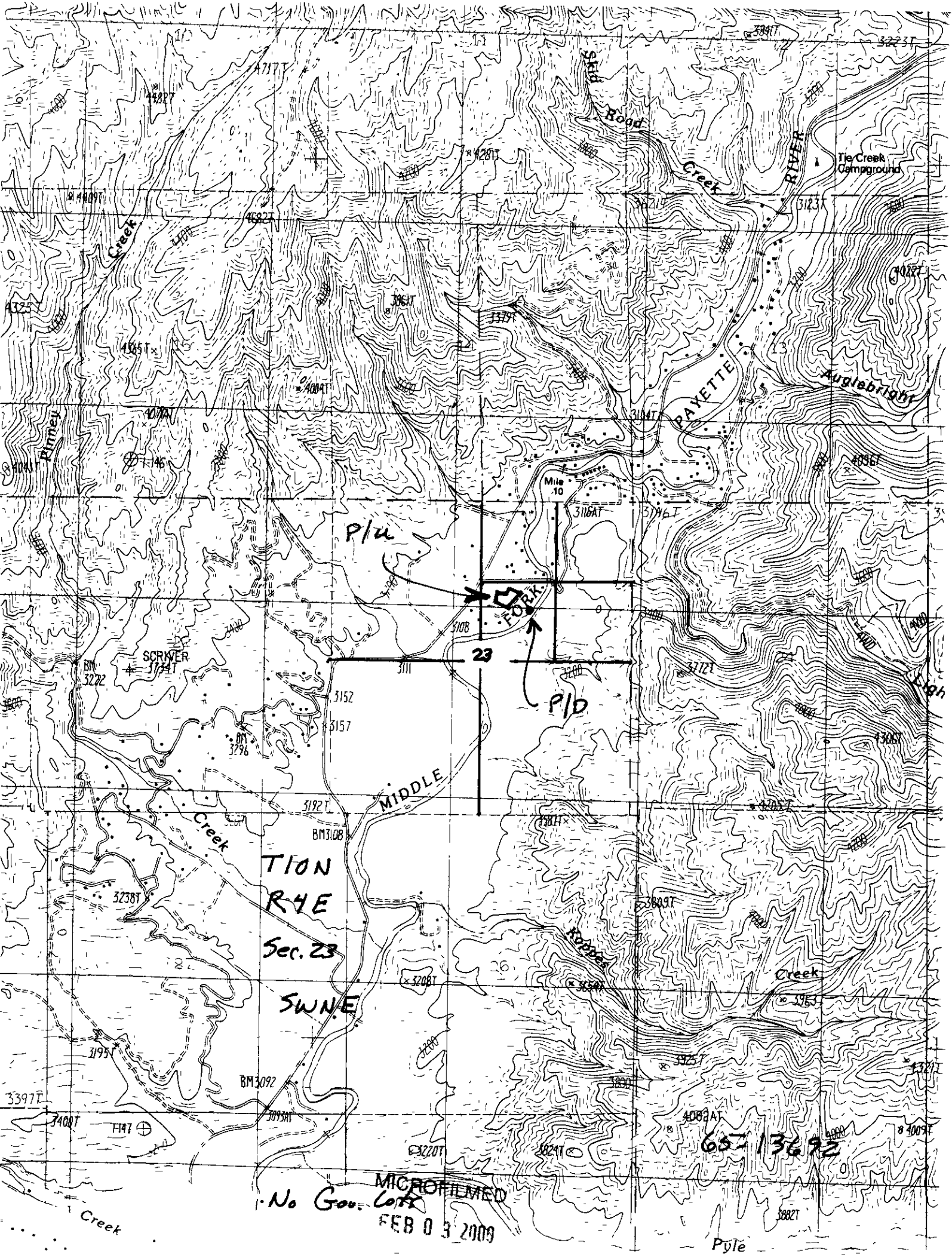
Field Examiner's Name Dan Tomlin Date 11-5-99

Reviewer _____ Date _____

SEAL

MICROFILMED

3 2000

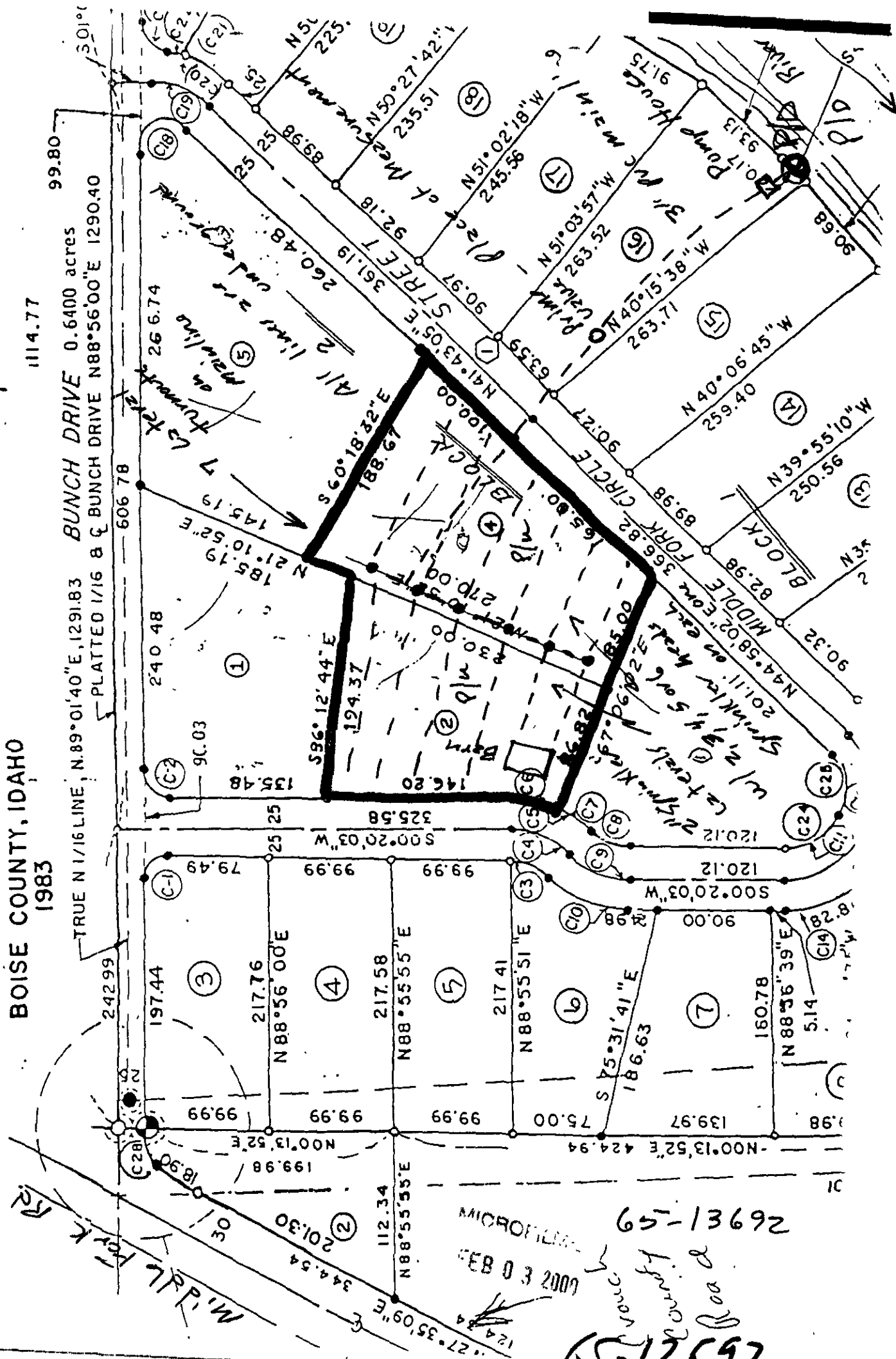


RECORDER'S PLAN
OF

GARDEN VALLEY ESTATES NO. 1

SITUATED IN THE NORTH HALF, SECTION 23, T. 10N, R. 4E, B.M.

BOISE COUNTY, IDAHO
1983





Lot 2

P/O

Pump

House

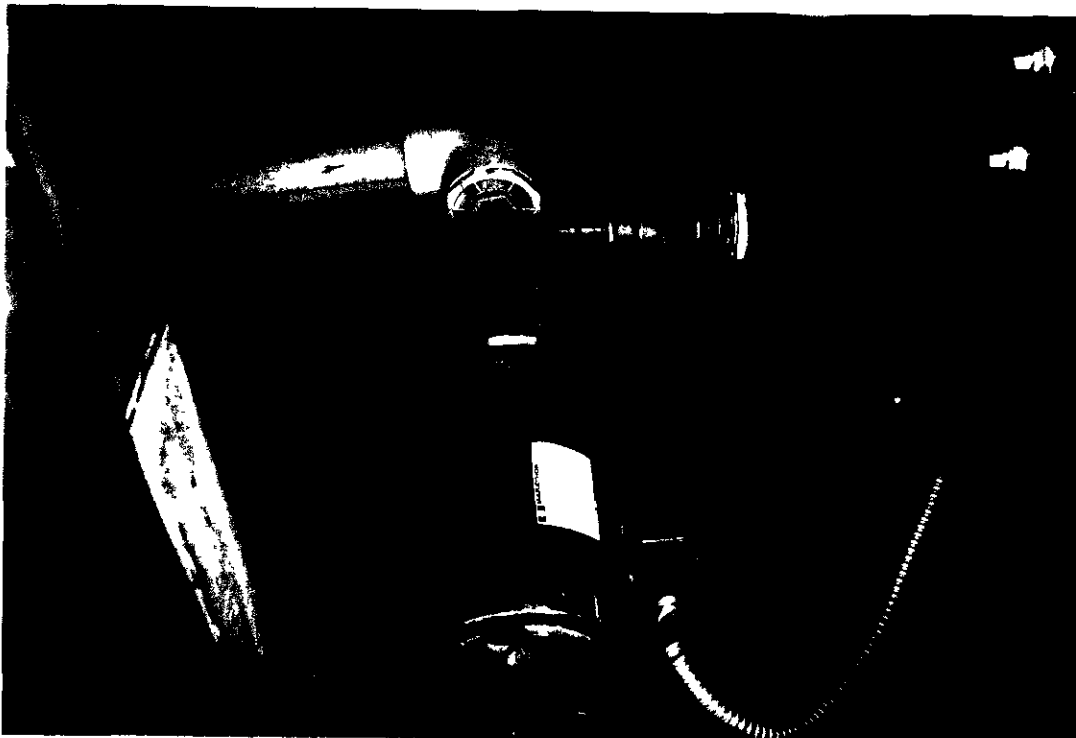
at

River

in

Lot 16

BLK 1



P/O

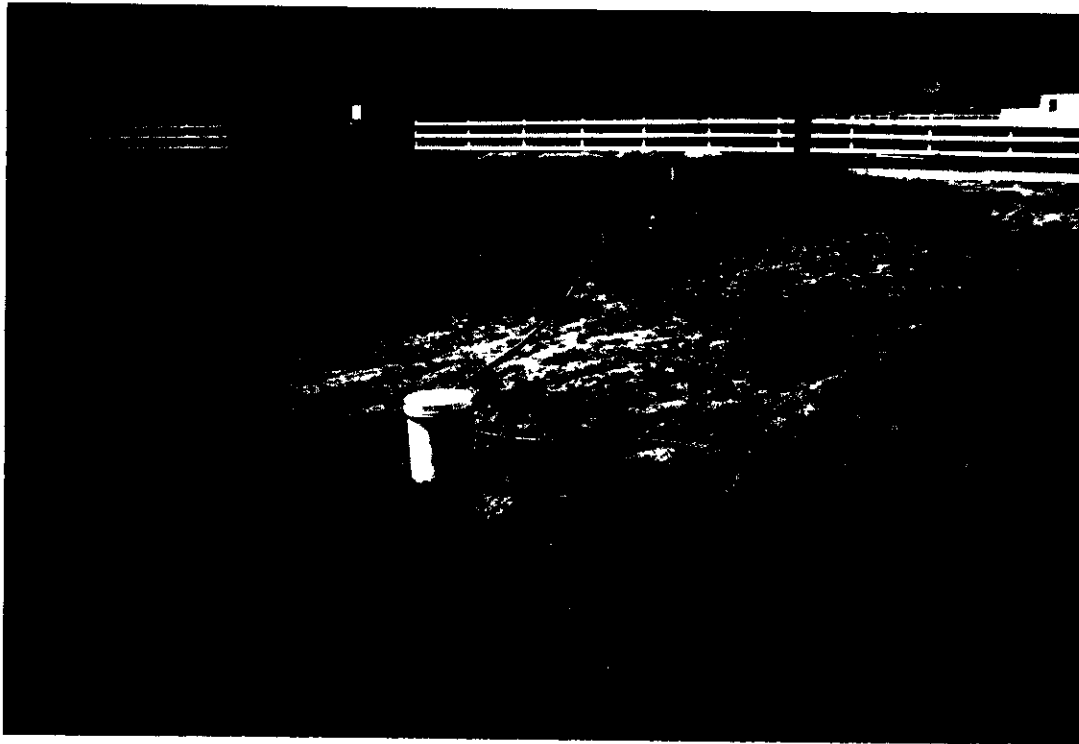
Pump

unit

MICRO

000 0 1 2700

65-13692

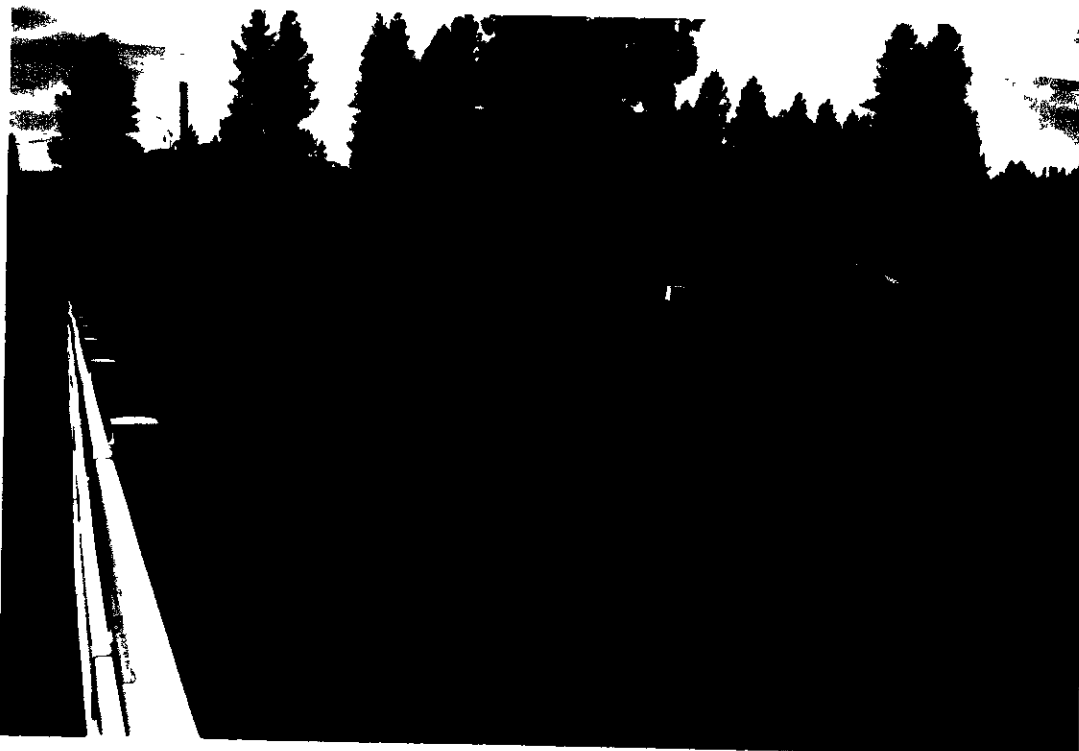


2 of 2

Place of
Measurement
at
Prime
Value
on

Lot 16
BLK 1

P/u in
background;
Lots 4 + 2
BLK 2



P/u
Lots 4 + 2
BLK 2

Barn is
on
SW Cor.
Lot 2

View looking
west

65-13692

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 65-13692 Reviewed by kw Date 1/13/2000

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit? _____
yes Address same as permit? _____
no Proof timely received? _____ Correct Uses? yes _____
If not, complete calculation below.

SOURCE OF WATER

✓ Surface water source
_____ Ground water source
_____ Drilling permit required?
_____ Copy in the file? Drilling Permit No. _____
_____ Amount paid for permit 1000 Correct? _____
_____ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
\$50. Amount Submitted
yes Correct?
yes Required?
yes Installed?
no Waiver requested?

PRIORITY CALCULATION

Date proof received 6-8-99 159
Date proof due 5-1-99 121
No. of days late _____ = 38
Priority Date 8-6-96 + 318
New Priority Date 9-13-96 256

DEFICIENCIES OR ACTION ITEMS

DATA ENTRY

New Address _____

Proof Made date entered
kw

February 28, 1999

HELEN MC DONALD
WAYNE MC DONALD
14 SCOTT MOUNTAIN RD
GARDEN VALLEY ID 83622

PROOF DUE NOTICE

RE: PERMIT NO. 65-13692

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1999.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

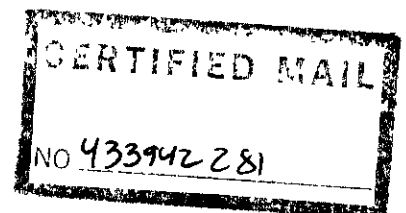
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

FEB 03 2000





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 13, 1998

HELEN MC DONALD
WAYNE MC DONALD
14 SCOTT MOUNTAIN RD
GARDEN VALLEY ID 83622

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 65-13692

Dear Permit Holder:

The Department of Water Resources (IDWR) has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a preliminary order issued by IDWR pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by IDWR unless a party petitions for reconsideration or files an exception and/or brief as described in the enclosed information sheet.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Also, please note that water right owners are required to report any change of water right ownership and/or change of mailing address to the department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department or visit the department's homepage on the Internet to obtain the proper reporting form.

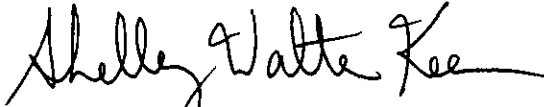
MICROFILMED

MAY 18 1998

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosures

MICROFILMED

MAY 18 1998

CERTIFICATE OF MAILING

I hereby certify that on the 13th day of May, 1998, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Permit) to the person(s) listed below:

Water Right No. 65-13692

HELEN MC DONALD
WAYNE MC DONALD
14 SCOTT MOUNTAIN RD
GARDEN VALLEY ID 83622


Kari Lynn Townsend
Secretary

MICROFILMED

MAY 18 1998

Responding to Preliminary Orders Issued by the Idaho Department of Water Resources

The Idaho Department of Water Resources (Department) issues water right permits, licenses, and transfers as preliminary orders pursuant to section 67-5243, Idaho Code. A preliminary order can and will become a final order without further action of the department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of the order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from a preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, a preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to a preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review a preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

MICROFILMED
MAY 18 1998

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with a preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

APPLICATION FOR PERMIT STATE OFFICE REVIEW

by Cindy Low

No.: 65-13692 Name: McDonald Date: 5/11/98 Ad OK? ☒ / Gvmt Lts: ☒

AREA OF CONCERN:

- No/Yes: _____ Mor / _____ GWMA / Trust / Non-trust
- 020 (Protest Agreement) or *W19 (Order)

PROTESTED:**SYSTEM COMPLETED:**

> 1 year

- 26A-P17

≤ 1 year/no proof

- P18**GROUNDWATER:** (✓ FLO-CH)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

WMD Supplemental use

> 0.24 cfs/5 acres

- 065-079 (if GW use SW 1st-statewide)-(cannot move SW off)

≤ 0.24 cfs/5 acres

- 01M (report when notified)

- No MD

DRILLING PERMIT:

All wells (✓ WDQ3)

- 046-P23

Included w/permit

- Permit No _____ - _____ - _____ - _____ P99

irr. in WD

- P05 (new well location)

SURFACE WATER: (✓ FLO-CH) (Surface water that *doesn't* sink is regulated).

IN/ABOVE MIN. STR. FLOW (✓ MAP)

- *WB9 Payette R.

WD (✓ MAP & LISTING)

- 004 (WD # 65)

> 0.10 cfs

- 01J-P08 (MD & LD)

≤ 0.10 cfs

- 01H P01 (LD) or No MD (in-stream stock)

WMD (✓ MAP)

> 0.24 cfs/5 acres

- 067 or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

SPRINGS/SINK, INACTIVE WD & REST OF STATE

> 0.24 cfs/5 acres

- 01M or No MD (in-stream stock or power)

≤ 0.24 cfs/5 acres

- No MD

RIVER BASINS: (*Surface water).

Snake R (01)

- *W22-P04, NA

(02/03-irr)

- 007 (w/ remark *WB9 if above Weiser), NA

Payette R (65)

- *W22 (regulated uses), 047-P04 (Payette Lake), NA

Salmon R (70's)

- 029 (fish screens), NA

USE:

Domestic surface

- *WB5 (Big Wood R or Boise R ↑ Star Bridge); 27A (Payette River); NA

> 1 in rest area

- 071-070

Fire Protection

- 077

Fish Propagation

- 029-007-042(req)-081 (WQ)-P10

Heating/Cooling

- R07 (injection well)

Irr ≤ 5 acres

- R66/R67/R68/R69 (0.03 cfs/acre + 3.0/3.5/4.0/4.5 AF)

> 5 acres

- R62/R63/R64/R65 (0.02 cfs/acre + 3.0/3.5/4.0/4.5 AF)

Mining

- 054(req)-081-P10

Municipal

- 022, 075, 004 (+memo?), NA (not in restricted area)

Power

- 17H/17K(+uses)-08A-025(P18)-01N-028-081(P10)-027 (if no other cons use);

17G (FERC) or 17M (FERG); 18B-P09, >25 cfs-P18

Stockwater

- R37 (BLM/USFS); NA

Storage (✓ 3 compo)

- 18A (in & out MD for on-stream storage), 18B-P09 (>10' dam), NA

LOCATION:

42-248 area

- P84 in 20/30/40/50/60/70/80 (87) basin)

Boise Front LoGeo

- 058 (<85° GW temp only)

In-stream dev.

- P52 (stream channel alteration)

Mitigation

- 120

SWAN FALLS FLAG (See Code Chart)

Trust

- 051-052-053-P74 (Consumptive Uses), NA

Non-Trust (1)

- 048-049 (Consumptive Uses), NA

OWNERSHIP:- 004 (PD/PU) Easement**OTHER CONDITIONS:****STANDARD REMARKS:**- 1 WB9 2 W22 3 WS9-60**BENEFICIAL USE DUE:**

- 5/1/1999

COMMENTS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

~~ADVERTISING DELAY~~ RECEIVED
MAY 05 1998

INITIAL REVIEW BY: g DATE: 9/12/96 APPLICATION: DEPARTMENT OF WATER RESOURCES
2/23/98

REQUIRED INFORMATION

- ☒ Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
- ☒ Address:
- ☒ Source: (See USGS Quad for names of water sources)
- ☒ Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
- ☒ County:
- ☒ Quantity: (flow and/or volume)
- ☒ Period of use:
- ☒ Nature of proposed use: (Include description of use)
- ☒ Description of diverting works:
- ☒ Time required for beneficial use of water:
- ☒ Place of use or acres irrigated:
- ☒ Map: (show T, R, S, QQ &/or QQQ)
- ☒ Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
- ☒ Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
- ☒ Fee:
- ☒ Yes ☐ No* In form to receipt:

Gov't. Lots:

☒ P/D
☒ P/U

ADDITIONAL INFORMATION

YES NO

- ☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
- ☒ ☐ Overlapping point of diversion.
- ☒ ☐ Field check required: Field check by: _____
- ☒ ☐ Field report attached:
- ☒ ☐ Critical groundwater area:
- ☒ ☐ Groundwater management area:
- ☒ ☐ 1992 moratorium:
- ☒ ☐ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining).
- ☒ ☐ Copy to Dam Safety staff: (for any storage)
- ☒ ☐ Mitigation plan: where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge
- ☒ ☐ Send power requirement letter:
- ☒ ☐ Send fish farm requirement letter:
- ☒ ☐ Power residency affidavit:
- ☒ ☐ Power efficiency form:
- ☒ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
- ☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

NOTE: "Bill Hunt comments" solicited
from IDFG on

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

NEEDS : immediate mitigation - re WD 65 (can lease water as needed).
future " - " response from e fishing resources

PROCESSING

APP. NO.

65-13692

YES NO

☒ ☒ In form for advertising:
☒ ☒ Statewide advertising: (> 10 cfs &/or 1000 af)
☒ ☒ Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☒ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. #
☐ ☒ Other

NON-registered source
 in WO #65 so letter
 N/A but needs cond. of
 approval & leasing water
 re WO 65

FINAL REGIONAL PROCESSING REVIEW:

YES NO

☒ ☐ Affidavit of publication received:
☒ ☐ Application published correctly: If not, record action taken.

Bull hunt comments needed.

Sent email letter on 2/28/98 so no mailing needed. ✓

☒ ☐ Publication dates and paper recorded on application:

☐ ☒ Protests received. Final date for protest 3-28-98

☐ ☒ Protest dates, resolution of protest recorded on application:

☐ ☒ Recommendations attached:

☐ ☒ Measuring device required:

☐ ☒ Measuring port required:

☒ ☐ Water delivered by water master? District # 65

☒ ☐ Special conditions of approval or cover letter: R04(65, Payette River)

049, W22, 120

See below for additional information

Recommended Date or Priority 8/6/96

Recommended by: Gary S Date: 4/28/98

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

several overlaps, all representing
 separate systems/separate owners
 Applicant agreed to future mitigation cond. of approval &
 fishery resources per response form rec'd 2/11/98.

From: DWR06::"sgrunder@idwr.state.id.us" 10-MAR-1998 1:58:31.12
To: <slaster@idwr.state.id.us>
CC: <croberts@idfg.state.id.us> (CYNTHIA ROBERTSON)
Subj: Middle Fork Payette River Applications for Permit-Water Rights

I'm finally getting around to responding to your February 25 email regarding three pending water right applications on the Middle Fork Payette River. These are I assume minor applications of .02 or .04 cfs. Applications 65-13690 and 65-13691 both appear to be in the Middle Fork bull trout key watershed and so conditional approval of any water right is warranted in my opinion.

Application 65-13692 appears to be in the Scriver Creek drainage, which is not part of the key watershed. However, if they are removing water from the Middle Fork, that is a moot point. It is probably also advisable to have the water right conditionally approved.

Since the three applicants signed the response form that you faxed me for review, they assumed the responsibility for potential mitigation for fish flows. What concerns me is when do we know when we have reached a point where no further surface waters should be appropriated for consumptive use in order to protect fish and fish habitat? It always comes back to the need for licensing instream flows in key watersheds. Once we know what is designated for the fish, it becomes easier to sort these consumptive uses out.

It is the IDFG's opinion that these three applications can be issued conditionally. We will not protest these applications. However, we urge the IDWR to work with the IDFG in pursuing the appropriate instream flows for the Middle Fork Payette River drainage. Thank you for the opportunity to comment.

Scott A. Grunder
Natural Resources Biologist
IDFG-Southwest Region, Nampa

IDFG Response c Bull Trout
fine

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MAY 18 1998

3/10/98
-82

The Idaho World

P O Box 99
Garden Valley, ID 83622
208 462-3487

RECEIVED

MAR 20 1998

WATER RESOURCES
WESTERN REGION

State of Idaho >

County of Boise >

Deanna Stevenson, being duly sworn, deposes and says: that she is the Editor of THE IDAHO WORLD, a weekly newspaper published at Idaho City, in the County of Boise and the State of Idaho; the said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for 120 (2) consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication and was published in the newspaper and not a supplement; that said paper has been established and regularly and continuously published for more than seventy eight weeks past previous to the first publication of this notice. Such notice was published with the issue beginning with Mar 4, 1998 and ending with the issue of May 11, 1998.

State of Idaho >

County of Boise >

On this 19 day of Mar in the year 1998, before me, a notary public, personally appeared Deanna Stevenson known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Deanna Stevenson
Notary Public for Idaho
Residing at Garden Valley, Idaho

My commission expires 6/26/2001

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

66-13690

WRIGHT, L L
WRIGHT, A J
288 AMANITA
EAGLE, ID 836165064

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SESW Sec 13 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.020 CFS)
Total Diversion: (0.020 CFS)

Date Filed: 8/28/1996

In: BOISE County
T10N R04E S13 SESW

1.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

65-13691

WRIGHT, ROBERT
WRIGHT, TERRI
651 LOS LUCEROS
EAGLE, ID 83616

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SESW Sec 13 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.040 CFS)
Total Diversion: (0.040 CFS)

Date Filed: 8/28/1996

In: BOISE County
T10N R04E S13 SWSW SESW

2.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

65-13692

MC DONALD, HELEN
MC DONALD, WAYNE
14 SCOTT MOUNTAIN RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SWNE Sec 23 T 10N R 04E in BOISE County

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 8/6/1996

In: BOISE County
T10N R04E S23 SWNE

1.6 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

65-13700

SWEIG, EARL T
PO BOX 752
GARDEN VALLEY, ID 836220752

Source: GROUNDWATER

Diversion Pt: SWNW Sec 35 T 10N R 04E in BOISE County

Use: IRRIGATION (0.060 CFS)
STOCKWATER (0.020 CFS)
DOMESTIC (0.020 CFS)
Total Diversion: (0.100 CFS)

Date Filed: 10/31/1996

In: BOISE County
T10N R04E S35 SWNW

2.0 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

MICROFILMED

MAY 18 1998

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before MARCH 23, 1998. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published in The Idaho World March 4 and 11, 1998

From: DWR80::SLESTER 25-FEB-1998 08:35:18.70
To: DWR06::"sgrundel idfg.state.id.us"
CC: SLESTER
Subj: COMMENT LETTER @ APPLICATIONS FOR PERMIT

Dear Scott:

This email message seeks comments from IDFG regarding three water right applications that should appear in the weekly listing for the week of March 2, 1998. The filings will be advertised in the first two weeks of March with a protest deadline of March 23, 1998.

This office will retain the applications through at least early-mid April if IDFG does not want to protest but instead wants to provide guidance for conditions of approval regarding bull trout &/or other fishery issues. All three filings will divert water from Middle Fork Payette River (small pumps) for irrigation of 1-2 acres. The locations are marginally within the bull trout impact area according to the habitat map available at my office. The applicants will be required to lease rental pool water to offset impacts to senior rights in the Payette system whenever water supply is not sufficient to fill downstream senior rights (standard condition for new consumptive uses of surface water in Payette River basin).

The applications are:

65-13690, Lot 65 Lightning Creek Sub. #1

65-13691, Lot 64 " " " ; both on east side of river
near Lightning Creek

65-13692, Lots 2 & 4, Block 2 Garden Valley Estates #1 on west side
of river north of Scriver Creek.

All are north of Crouch near Middle Fork road.

All three applications include acceptance of a condition of approval that requires future mitigation for fishery resources based upon a finding by IDWR that mitigation is required (I will fax you a copy of the information we are providing to applicants @ future mitigation for fish flows -- these 3 applicants have signed the response form being faxed to you).

Please let me know if you need more information about these applications.

Thanks for your help.

Steve Lester, IDWR Western Region Office



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MAY 18 1998

2/25/98

COMMENT LETTER (email) to IDFG



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 4, 1998

DISTRIBUTION: Applicants whose water right applications were held without action pending fishery resources issues.

Dear Applicant:

You filed an application for permit to develop a water right that includes consumptive use (see attached profile report). This office was not been able to process such applications in your area until some water supply issues related to fishery resources were resolved.

A method to address these issues now exists. Applications that include consumptive use can be processed if applicants are willing to accept a condition of approval that can require mitigation at a later date if the need for mitigation is clearly documented. Mitigation can include steps such as purchasing storage water to offset adverse impacts to fishery resources that new water developments might cause.

Enclosed is a response form to be completed and returned if you want your application to be processed. To the extent possible given other factors, applications will be processed in the order in which they were filed.

Also enclosed is a withdrawal form. If you no longer have an interest in obtaining the water right outlined in your filing, please complete and return this form. You will receive a refund for the filing fee associated with the application.

Delays in processing due to department considerations such as those discussed in this letter do not affect the priority date of your application. Please contact this office at 334-2190 if you have any questions about your application.

Sincerely,

Western Region Allocation Staff

Enclosures: Profile Report, Response Form and Withdrawal Form

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MAY 18 1998

~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~

8-6-96

RESPONSE FORM

RECEIVED

COMPLETE ONLY IF YOU WANT YOUR
APPLICATION TO BE PROCESSED

FEB 10 1998

WATER RESOURCES
WESTERN REGION

Name of Applicant

Wayne E McDonald

Mailing Address

14 Scott Mt Road
Garden Valley Idaho 83622

Application No.

65-13692

Mitigation

Yes, I agree to accept a condition of approval on my application that will require mitigation related to fishery resources based upon a finding by the Director, Idaho Dept. of Water Resources. I understand that mitigation is not needed now but may be needed in the future. I also understand that the Director will not invoke this condition until I have an opportunity to participate in the process by which mitigation is identified and quantified.

Signature

Wayne E McDonald

Date

Feb 10/98

Please return this form to:

Idaho Dept. of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

MICROFILMED

MAY 18 1998

65-13692

MC DONALD, HELEN
MC DONALD, WAYNE
14 SCOTT MOUNTAIN RD
GARDEN VALLEY, ID 83622

Source: PAYETTE RIVER, MIDDLE FORK Tributary: PAYETTE RIVER

Diversion Pt: SWNE Sec 23 T 10N R 04E in BOISE County.

Use: IRRIGATION (0.030 CFS)
Total Diversion: (0.030 CFS)

Date Filed: 8/ 6/1996

In: BOISE County
T10N R04E S23 SWNE

1.6 ACRES TOTAL

Applicant agrees to mitigate consumptive use in the future as needed.

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MAY 18 1998